

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA and the STATES  
OF THE UNITED STATES *ex rel.* PATRICK  
DONOHUE,

Plaintiffs,

v.

RICHARD CARRANZA, in his official capacity as  
the Chancellor of New York City Department of  
Education, the NEW YORK CITY DEPARTMENT  
OF EDUCATION, THE CITY OF NEW YORK, the  
SCHOOL DISTRICTS OF THE UNITED STATES,  
and COUNTIES OF THE UNITED STATES,

Defendants.

USDC SDNY  
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DATE FILED: 4/5/2021

**FILED UNDER SEAL**

20 Civ. 5396 (GHW)

**THE GOVERNMENT'S NOTICE OF DECISION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States of America (the "Government" or the "United States"), by its undersigned attorney, hereby respectfully notifies the Court of its decision not to intervene in the above-referenced *qui tam* action.

Although the United States declines to intervene in this action, the United States respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain his action in the name of the United States, provided, however, that the complaint "may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.* Therefore, the United States respectfully requests that in the event that the relator or any defendant seeks to dismiss, settle, or otherwise discontinue this

action, the Court shall require the party or parties proposing such relief to solicit the written consent of the Government before applying for Court approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all pleadings and briefs filed in this matter be served upon the United States. The United States also requests that the Court direct relator's counsel to serve on the United States any orders issued by the Court. The United States reserves its right to order the transcript of any depositions taken with respect to the allegations in the relator's complaint. The United States also reserves its right to intervene with respect to the allegations in the relator's complaint, for good cause, at a later date, and to seek the dismissal of the relator's action.

The United States also requests that it be served with any notices of appeal.

A proposed order accompanies this notice.

Dated: New York, New York  
March 3, 2021

Respectfully submitted,

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United States Attorney for the  
Southern District of New York

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